

REMARKS

Status of the claims:

With the above amendment, claim 4 has been canceled and claim 1 has been amended with claims 7-12 being withdrawn from a prior restriction requirement. Thus, claims 1-3 and 5-14 are pending and claims 1-3, 5-6, and 13-14 are ready for further action on the merits. No new matter has been added by way of the above amendments. Claim 1 has been amended by the incorporation of the subject matter of claim 4. Entry of the amendment and reconsideration is respectfully requested in light of the following remarks.

Interview Summary

Applicants and Applicants' representative would like to thank the Examiner for taking the time to meet with Applicants' representative on November 16, 2003. The gist of the interview is as appears in the Interview Summary.

Rejections under 35 USC §102

Claims 1-2 and 4-5 have been rejected under 35 USC §102 (b) as allegedly being anticipated by Relyveld '686 (US Patent No. 4,350,686). Applicants traverse.

Present Invention

The present invention, as recited in claim 1, relates to a method for denaturing allergens originated from mites, hair or epithelium of pets, cockroaches, feathers, fungi and pollens of plants which comprises applying an effective amount of a calcium or strontium salt selected from the group consisting of acetate, propionate, nitrate, chloride, bromide, iodide, lactate, carbonate, citrate, pantothenate, tartrate, succinate, malonate, malate, nicotinate, glycerate and gluconate to a place where allergens exist or will exist.

Removal of the Rejection over Relyveld '686

Relyveld '686 discloses a process of making more stable and more active allergens, which provoke no secondary reactions in the organism in which they are injected. The improved allergens produced according Relyveld '686 are said to have a considerably longer useful life and are said to lend themselves particularly well to the preparation of the form adsorbed on a mineral gel.

Applicants disagree with the Examiner's assertion that Relyveld '686 discloses "a method of denaturing allergens". However, to expedite prosecution, Applicants have amended independent claim 1 to incorporate the elements of claim 4. Claim 1 is now directed to a series of calcium and strontium salt. The only salt mentioned in Relyveld '686 that is even

remotely close to the salts that are used to denature allergens in the instant invention is calcium phosphate. Accordingly, Applicants have omitted "phosphate" as a possible salt from the Markush group that previously appeared in claim 4. Accordingly, Applicants submit that with this omission and because Relyveld '686 fails to disclose or remotely suggest any other calcium or strontium salts, the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

**Allowable Subject Matter**

Applicants would like to thank the Examiner for previously acknowledging that claims 3, 6, and 13-14 are allowable.

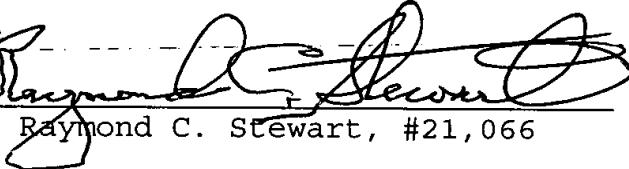
Accordingly, with the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Raymond C. Stewart, #21,066

RS  
RCS/TBS/mua

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000